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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED
 4/6/23 12:08 pm
 CLERK
 U.S. BANKRUPTCY
 COURT - WDPA

In re: : Case No.: 17-23368-GLT
 : Chapter: 13
 Patrick W. Dennison :
 Desiree M. Dennison :
 :
 : Date: 4/5/2023
 Debtor(s). : Time: 09:30

PROCEEDING MEMO

MATTER: #91 - Trustee's Oral Motion to Dismiss Case
 #94 - Response to Debtor's Motion to Dismiss

APPEARANCES:

Debtor: Christopher Frye
 Trustee: James Warmbrodt

NOTES: [9:30]

Warmbrodt: Has received funds from the Debtor, but understands source is a loan from the Debtor's 401k. Only concern left is that the loan was not approved by the Court, so asking if there is permission to withdraw the funds.

Court: Does not have an affidavit on the source of the funds.

Frye: Went from exempt funds directly to the trustee.

OUTCOME:

1) For the reasons stated on the record, the *Trustee's Oral Motion to Dismiss Case* [Dkt. No. 91] is continued to May 9, 2023 at 9 a.m. Further, on or before April 20, the Debtor shall file an affidavit disclosing the source of lump sum payment and (broadly) the terms of the 401k loan. On or before April 27, 2023, the parties shall meet and confer to jointly submit a form of order under certification of counsel authorizing (a) the Debtor to incur the loan from the 401k plan nunc pro tunc, and (b) the dedication of its funds to the plan arrears. Provided that the Debtors comply with this Order, the chapter 13 trustee may withdraw her *Oral Motion to Dismiss Case* [Dkt. No. 91] and request that the May 9, 2023 hearing be canceled. [Text order].

DATED: 4/5/2023